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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CORSARO, NICK

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 07/30/2004

1.1

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,896

Applicant(s)

BURR, JEREMY

Examiner

Nick Corsaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6-7, 9, 19-20, and 22, are rejected under 35 U.S.C. 102(b) as being anticipated by Vook et al. (5,583,866).

Consider claim 1, Vook teaches a device (12, figure 1) in a network (see col. 3 lines 52-61, and col. 6 lines 24-28, where Vook is discussing a system and method applicable to devices in a wireless LAN (WLAN) or ad-hoc network). Vook teaches a synchronization system able to synchronize by utilizing an agreed communication technology to an agreed communication frequency (see col. 3 lines 55-67, col. 4 lines 23-67, col. 5 lines 1-67, and col. 6 lines 24-67, where Vook discusses using a industry standard (CSMA), and air interface (frequency hopping), i.e., an agreed technology, and agreed frequency of synchronization and current hopping frequency and pattern).

Consider claims 6 and 19, Vook teaches a method for a first device (12, 22, area 16, figure 1) to communicate with a second device (12, or 14 area 18, figure 1) in a network including at least the first device, the second device, and a third device (12, or 14, area 16, figure

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1) (see col. 3 lines 50-67, col. 4 lines 1-5, col. 4 lines 20-37, and col. 6 lines 23-54, where Vook discusses a roaming mobile terminal that must synchronize with new access point or another mobile depending if terminals are ad-hoc or not). Vook teaches discovering the second device (see col. 4 lines 22-26 and col. 6, 40-45, where Vook discusses the device finding the second device). Vook teaches determining a synchronization period with the second device (see col. 4 lines 23-67, col. 5 lines 1-60, col. 6 lines 23-67, and col. 7 lines 15-34). Vook teaches utilizing an agreed communication technology to an agreed communication frequency independently of the third device (see col. 3 lines 55-67, col. 4 lines 23-67, col. 5 lines 1-67, and col. 6 lines 24-67, where Vook discusses using a industry standard (CSMA), and air interface (frequency hopping), i.e., an agreed technology, and agreed frequency of synchronization and current hopping frequency and pattern, where the communications between the first device and second are independent of the first and third device, in other words the third device is not participating in the synchronizations or communication).

Consider claims 7 and 20, Vook teaches discovering the third device; determining a synchronization period with the third device; and synchronizing with the third device independently of the second device (see col. 4 lines 21-67, col. 5 lines 1-67, and col. 6 lines 23-67).

Consider claims 9 and 22, Vook teaches range (see col. 7, lines 15-34).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 6, 8, 10, 14, 21, 23, and 27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Vook et al. (5,583,866) in view of Haartsen et al. (6,026,297).

Consider claim 2, Vook does not specifically disclose a synchronization table listing synchronization information for the device. Haartsen teaches a synchronization table listing synchronization information for the device (see col. 5 lines 1-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Vook, and have a synchronization table listing synchronization information for the device as taught by Haartsen, thus allowing communication with another coexisting piconet, as discussed by Haartsen (col. 2 lines 30-35).

Consider claim 8 and 21, Vook discloses roaming terminals with ad-hoc networks and access points, where Vook discloses the terminals synchronizing, as discussed above, where logically any of the terminals can synchronize including second and third. Vook does not specifically disclose other terminals synchronizing. Haartsen teaches other terminals synchronizing (see col. 5 lines 1-67 and col. 6 lines 1-67 where Haartsen is discussing that any of the devices can discover or be discovered through paging and synchronize with those devices independently of the other devices and inherently in any order). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Vook, and have other terminals synchronizing, as taught by Haartsen, thus allowing communication with another coexisting piconet, as discussed by Haartsen (col. 2 lines 30-35).

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Consider claims 10 and 23, Vook teaches determining synchronization period (see col. 4 lines 21-67, col. 5 lines 1-67, and col. 6 lines 23-67). Vook does not specifically disclose arbitrating. Haartsen discloses arbitrating (see col. 5 lines 1-67, and col. 6 lines 1-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Vook, and have arbitrating, as taught by Haartsen, thus allowing communication with another coexisting piconet, as discussed by Haartsen (col. 2 lines 30-35).

Consider claims 14 and 27, Vook does not specifically disclose synchronizing with the second device includes resetting a clock in the first device. Haartsen teaches synchronizing with the second device includes resetting a clock in the first device (see col. 3 lines 45-65, col. 5 lines 62-67, col. 6 lines 1-67, and col. 7 lines 1-67).). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Vook, and have arbitrating, as taught by Haartsen, thus allowing communication with another coexisting piconet, as discussed by Haartsen (col. 2 lines 30-35).

6. Claims 11, 17, 24 and 30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Vook in view of Haartsen as applied to claims 10 and 23 above, and further in view of Peters et al. (6,601,293).

Consider claims 11, 17, 24, and 30 Vook and Haartsen disclose reestablishing the interface with the second device after the time period, (see col. 5 lines 1-67 and col. 6 lines 1-67). Vook and Haartsen do not specifically disclose a re-establishment period. Peters teaches a re-establishment period (see col. 9 lines 12-45, col. 2 lines 15-30, col. 3 lines 20-31, col. 8 lines 11-55, and col. 6 lines 19-45, and col. 4 lines 29-57, where Peters is discussing that the addresses are used to negotiate the interface).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Vook and Haartsen, and have a reestablishment period, as taught by Peters, thus stopping ambiguities when roaming, as discussed by Peters (col. 9 lines 12-45).

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vook in view of Haartsen, as applied to claim 2 above, and further in view of Jacquet et al. (6,590,891).

Consider claim 3, Vook discloses the device, method and system, as modified by Haartsen, above, wherein a table is used. Vook and Haartsen do not specifically disclose new technology. Jacquet teaches a new technology (see col. 6 lines 10-67, and col. 7 lines 7-50, where Jacquet is discussing a frequency and the technology, i.e., frequency hopping or spread spectrum). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Vook and Haartsen, and have a new technology, as taught by Jacquet, thus allowing connection to new piconets and tuning between devices, as discussed Haartsen (col. 2 lines 30-35) and by Jacquet (col. 1 lines 30-67), respectively.

8. Claims 4, 5, 12-13, 25, and 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Vook et al. (5,583,866) in view of Haartsen et al. (6,026,297) and Jacquet et al. (6,590,891).

Consider claims 4, 5, 12, 13, 25, and 26, Vook discloses the device, method and system, as stated above. Vook does not specifically disclose a table holding new technology. Haartsen teaches a table (see col. 5 lines 5-10). Jacquet teaches a new technology (see col. 6 lines 10-67, and col. 7 lines 7-50, where Jacquet is discussing a frequency and the technology, i.e., frequency hopping or spread spectrum). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Vook, and have table with a new

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technology, as taught by Haartsen and Jacquet, thus allowing connection to new piconets and tuning between devices, as discussed by Haartsen (col. 2 lines 30-35) and by Jacquet (col. 1 lines 30-67), respectively.

9. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vook in view of Haartsen and Peters, as applied to claims 30 above, and further in view of Jacquet et al. (6,590,891).

Consider claim 31 Vook discloses the device, method and system, as modified by Haartsen and Peters above, wherein a synchronization table is used. Vook, Haartsen, and Peters do not specifically disclose new technology. Jacquet teaches a new technology (see col. 6 lines 10-67, and col. 7 lines 7-50, where Jacquet is discussing a frequency and the technology, i.e., frequency hopping or spread spectrum). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Vook, Haartsen, and Peters and have a new technology, as taught by Jacquet, thus allowing tuning between devices, as discussed by Jacquet (col. 1 lines 30-67).

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vook in view of Haartsen and Peters as applied to claim 17 above, and further in view of Jacquet et al. (6,590,891).

Consider claim 18, Vook discloses the device, method and system, as modified by Haartsen and Peters above, wherein a synchronization table is used, and technology is used. Vook, Haartsen and Peters do not specifically disclose a new technology. Jacquet teaches a new technology (see col. 6 lines 10-67, and col. 7 lines 7-50, where Jacquet is discussing a frequency and the technology, i.e., frequency hopping or spread spectrum). It would have been obvious to

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one of ordinary skill in the art at the time the invention was made to modify the invention of Vook, Haartsen and Peters, and have a new technology, as taught by Jacquet, thus allowing tuning between devices, as discussed by Jacquet (col. 1 lines 30-67).

11. Claims 15, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vook in view of Haartsen et al. (6,026,297) and Du et al. (6,603,740).

Consider claims 15, 28, and 29, Vook discloses the method and system, as discussed above. Vook does not specifically disclose synchronizing in another order or the synchronizing with the second device includes informing the second device that the first device has data to transmit. Haartsen discloses synchronization via tables and other devices in another order (see col. 5 lines 5-67 and col. 4 lines 1-67). Du teaches synchronizing with the second device includes informing the second device that the first device has data to transmit (see col. 5 lines 10-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Vook, and synchronizing in another order or the synchronizing with the second device includes informing the second device that the first device has data to transmit, as taught by Du, thus allowing networks to be bridged and exchange data, as discussed by Du (col. 1 lines 15-30).

12. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vook in view of Haartsen as applied to claim 14, above, and further in view of Du et al. (6,603,740).

Consider claim 16 Vook and Haartsen do not specifically disclose the synchronizing with the second device includes informing the second device that the first device has data to transmit. Du teaches synchronizing with the second device includes informing the second device that the first device has data to transmit (see col. 5 lines 10-25). It would have been obvious to one of

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ordinary skill in the art at the time the invention was made to modify the invention of Vook and Haartsen, and have synchronizing with the second device include informing the second device that the first device has data to transmit, as taught by Du, thus allowing networks to be bridged and exchange data, as discussed by Du (col. 1 lines 15-30).

Conclusion

13. Any inquiry concerning this communication should be directed to Nick Corsaro at telephone number (703) 306-5616.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth, Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 customer Service Office whose telephone number is (703) 306-0377.



**NICK CORSARO
PATENT EXAMINER**

Nick Corsaro

Primary Examiner